GPN-J.332-ARCHB-8.94-1310500-ALA4 Spl-H.C.A.S.C.D.79e

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 3237 OF 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.)

Court's or Judge's orders

Ms. Neeta P. Karnik for Petitioner.

Mr. G.R. Agarwal with Mr. R.M. Agarwal for Respondent No. 3.

Mr. A.P. Vanarse, A.G.P. for Respondent No. 1 and 2.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 07, 2005

P.C.

. The Petitioner had approached this court seeking reliefs against Respondent Nos. 1, 2 and 3. Office note indicates that the petition against Respondent Nos. 1 and 2 was dismissed in terms of the order of this court dated 25.4.2003. The Petition is also amended to include various contractors to whom contracts were awarded. But the Petitioner came to the court for the reliefs which were sought that the procedure/process initiated by Respondent No. 3 by advertisement dated 2.4.2003 and

6.4.2003 be declared as void ab initio, to republish tenders and further investigation into the issuance of contracts. The record would show that the Respondents who have been awarded the contracts have completed the same. The reliefs as prayed for presently would therefore, be infructuous.

. The Petitioner has also taken out Civil Application being Civil Application NO. 240 of 2005 in which similar reliefs have been sought for apart from seeking reliefs against Respondent Nos. 1 and 2 to take prompt action against the persons responsible for the illegal resolution Nos. 234, 235 and 237. The Maharashtra Municipalities Act itself will provide remedies in the matter of illegal resolution or if there be any violation of the mandatory provisions of the Act and rules in passing the resolutions. It will therefore, be open to the Petitioners if petitioner has not already take steps to move appropriate authority in respect of those resolutions.

. Considering what has been stated above, as the reliefs in the main petition has itself became infructuous, it will not be

possible to grant reliefs in the Civil Application. In the light of that we are not inclined to exercise the extra ordinary jurisdiction of this court. However, it will be open to the Petitioner to take such appropriate steps if not taken by moving the competent authority under the Maharashtra Municipalities Act for whatever reliefs they maybe entitled to and if such application is moved, the competent authority after haring all parties to pass appropriate order according to law. With the above observations, petition stands dismissed.

(F.I.REBELLO,J.)

(S.P.KUKDAY,J.)